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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,221	08/19/2002	Sunao Takatori	2222.6090001	9612

26111 7590 01/19/2011
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

LE, CANH

ART UNIT	PAPER NUMBER
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2439

MAIL DATE	DELIVERY MODE
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01/19/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/070,221	Applicant(s) TAKATORI ET AL.	
	Examiner CANH LE	Art Unit 2439	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 December 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 11-13, 15-19, 21-27 and 31.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
 Please, See continuation sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Edan Orgad/
 Supervisory Patent Examiner, Art Unit 2439

/Canh Le/
 Examiner, Art Unit 2439

The Applicant mentioned interview on November 15 and 19, 2010. There was not an interview which The Examiner aware of at the above date. The Examiner only sent Taro and Schuichi references (JP machine translation) to the Applicant's request.

Applicant's argument filed 12/21/2010 under the objection to the specification have been fully considered. The objection to the specification have been withdrawn.

Applicant's arguments filed 12/21/2010 under 35 U.S.C. 101 rejection have been fully considered. The Applicant amended claim 21 as "A non-transitory computer-readable medium". However, The Examiner recommends that the Applicant amended the claim as "A non-transitory computer readable storage medium" which would overcome the 101 rejection.

Applicant's arguments filed 12/21/2010 under 35 U.S.C. 112, first paragraph have been fully considered but they are not persuasive. The Examiner reviewed the support which the Applicant pointed out on page 14-17 of the specification. There are distinct three authentication levels as in table 2. However, there is nowhere mentioning conditional (i.e. if and/or after) tie to authentication level as amended claims in the original specification as mention in the amended claim.

For example, claims 11, 17, and 21 recite "authenticating the user for transaction after completing the transaction if the price is above a second threshold amount, which corresponds to a second authentication level."; and

Claim 18 recites "wherein the request for information is received after the transaction has completed when a second one of the plurality of independent authentication levels is used for the transaction if the numeric value is above a second threshold amount."

As a result, the specification fails to convey to one skilled in the art at the time the application was filed, that the inventor(s) had possession of the claimed invention. The Examiner respectfully requests the Applicant NOT ONLY to point out BUT ALSO explain in FULL DETAILS where in the specification support can be found for the aforementioned newly added limitations. Applicant is required to cancel the new matter in the reply to this Office Action.

Applicant's arguments filed 12/21/2010 under U.S.C. 112, second paragraph have been fully considered. The amended claim overcomes 112 second rejection.

Applicant's arguments filed 12/21/2010 under 35 U.S.C. 103 (a) have been fully considered. However, the Applicant amended the amended limitations (i.e. "a first threshold amount", "second threshold amount", "wherein the first threshold amount is less than the second threshold amount"; "wherein the transaction has a numeric value associated with it", "independent authentication level", "if the numeric value is below a first threshold value", "the plurality of independent authentication level", "if the numeric value is above a second threshold amount, wherein the first amount is less than the second threshold amount.") in claims 11, 17, 18, and 21 would raise new issues that would require further consideration and/or thorough search.